

**IN THE DRAWINGS:**

By way of a separate letter attached hereto, applicants propose to amend Fig. 1 to include a 'RELATED ART' legend and to change reference numeral --10-- to '110'. Upon indication of allowance, and with the Examiner's approval, the changes will be incorporated into a new set of formal drawings.

## REMARKS

Claims 1-38 are pending in the application. In response to the Office Action, applicants have amended the drawings and the specification, and amended claims 1, 3-23, 25-31, and 33-38. Claims 1-38 remain pending for reconsideration.

The drawings were objected to because of a requested legend for Fig. 1. Applicants have amended Fig. 1 to include a relevant legend. As Fig. 1 does not appear to be admitted prior art, applicants have added the legend 'Related Art.' Fig. 1 has further been amended editorially to change the reference numeral --10—to '110, to be consistent with the specification. The specification has been amended editorially. No new matter has been added.

The claims are amended editorially to clarify and / or broaden the claim language. Because any substantive amendment to the claims is of a broadening nature, no claim scope or equivalents are surrendered by way of the present amendments.

Claims 1-38 are rejected under 35 U.S.C. § 102(e), presumably as being anticipated by U.S. Patent No. 6,510,164 (Ramaswamy). Applicants respectfully traverse this rejection for the following reasons.

If any rejection of any claim is maintained or if any new ground of rejection of any is applied, applicants respectfully request a new non-final office action, for the following reasons.

First, applicants indicate 'presumably' above because the office action is unclear. The grounds of rejection indicate § 102(e) is being applied, but due to an editorial error the language 'anticipated by' is not present and the language 'over' is present, suggesting the possibility of a § 103 rejection. Applicants further note that several claims are rejected with reliance upon an unidentified 'NT' reference, further indicating the

possibility of an intended § 103 rejection. Applicants are entitled to an unambiguous statement of the grounds of rejection.

Second, applicants further object to the approach taken by the Examiner. The rejection of each claim essentially amounts to a mere copying of the claim language followed by some bald assertion or citation to the reference with little or no analysis or reasoning of how the cited portion allegedly reads on the claim language. It is practically impossible for the applicants to discern the Examiner's position from such an approach. In many cases the cited portion covers an entire column of text in the reference or spans many columns of text. The Examiner is kindly reminded of the requirements of 37 C.F.R. § 1.104(c)(2), of which, for the Examiner's convenience, the pertinent portion is reproduced below.

### **37 CFR 1.104 Nature of examination.**

#### *(c) Rejection of claims.*

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner is further reminded of the requirements of MPEP § 706:

### **706 Rejection of Claims [R-2]**

... The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. ...

Applicants further note that MPEP § 706.02(j) states (in pertinent part which is equally relevant to novelty rejections):

... It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. ...

Because the first office action fails to clearly articulate the bases of the rejection, does not clearly explain the pertinence of the cited portions, and does not properly communicate the bases for the rejection, applicants have been deprived of a fair opportunity to completely reply.

Third, an editorial error makes the rejection unclear. For several claims the office action erroneously cites 'col.11, line 30-col.113, line 38'. Clarification is required. Applicants note that such bulk citation to numerous columns of text in the reference is improper and does not clearly set forth the basis for the rejection or the Examiner's position.

Finally, the rejection of several claim recitations makes reference to an unidentified 'NT' reference. Applicants cannot ascertain if this is an editorial error or if the Examiner is relying on a second reference (which would be improper in a § 102 rejection). In any event, clarification is required.

For each of the foregoing reasons, the present office action is defective and applicants have been deprived of a fair opportunity to reply. Accordingly, if any rejection of any claim is maintained or if any new ground of rejection of any claim is applied, applicants respectfully request a new non-final office action.

In any event the rejection is not understood and appears to be erroneous. With respect to claim 1, the office action identifies elements (37<sub>1</sub>, 37<sub>2</sub>) as corresponding to the recited N NICs. The office action then identifies element (13) for the recited first one of the NICs. Clearly element 13 is not one of elements 37<sub>1</sub>, 37<sub>2</sub> (by definition it is a different element). Accordingly, the rejection of claim 1 fails.

Moreover, each of independent claims 1, 23, and 31 recite features related to 'binding' or a NIC 'bound' in some way to processor. The office action cites several portions of the reference for allegedly reading on the claim language, but none of the cited portions even mention the word 'binding', 'bound', or similar language. In fact, the words 'binding' and 'bound' cannot be found anywhere in the entire Ramaswamy

reference. In the absence of any reasoning, analysis, clear explanation, clearly articulated rejection, or properly communicated basis of the rejection, the Examiner has failed to establish anticipation of claims 1, 23, and 31, and the rejection should be withdrawn.

In any event, there does not appear to be any binding between the multiple processors 44 and the multiple network interfaces 37 in Ramaswamy. For example, at col. 7, lines 1-4, Ramaswamy describes that each processor 44 polls each network interface 37 for incoming data packets. Accordingly, Ramaswamy does not teach or suggest, and in fact appears to teach away from, the recited binding.

Accordingly, claims 1, 23, and 31 are not anticipated by and are patentable over Ramaswamy. Dependent claims 2-8, 24-30, and 32-38 are respectively likewise patentable.

With respect to claims 2, and 32, applicants do not understand how the identified elements (24, 17) allegedly read on the recited tightly coupling M client connections to the nth processor via the nth NIC.

With respect to claims 5-8, 11-12, 14-15, 27-30, and 35-38, the cited portion of col. 11, lines 30-46 does not even mention a cache. The cited Fig. 2, and its related text, describes only a single cache memory 25 for each processor. Accordingly, Ramaswamy cannot possibly anticipate any of these claims.

With respect to claim 9, the office action merely copies the claim language with a bald assertion that Figs. 2, 3, and 7 read on the claim language. In the absence of any reasoning, analysis, clear explanation, clearly articulated rejection, or properly communicated basis of the rejection, the Examiner has failed to establish anticipation of claim 9, and the rejection should be withdrawn. If the rejection is maintained, applicants respectfully request a new, non-final rejection setting forth the Examiner's position, particularly with respect to what is relied upon for the recited tightly coupling M client connections to the nth processor via the nth NIC.

With respect to independent claim 13, the office action cites '(see kernel-Deferred Procedure calls are managed in NT by a DPC kernel objects; also see col.11, line 30-col.113, line 38)' for allegedly anticipating all of the claim language. However, claim 13 does not recite anything related to DPC. It appears that this is another editorial error on the part of the office action. Either the rejection should be withdrawn or applicants are entitled to a new, non-final office setting forth the proper rejection. If the rejection is maintained, applicants respectfully request that the Examiner provide sufficient reasoning and analysis, a clear explanation, a clearly articulated rejection, and a properly communicated basis of the rejection, so that a full and fair response may be made.

With respect to claims 16 – 22, each of these claims recite features relating to improving first level cache efficiency by increasing a time quantum allotted to server threads which process streaming data buffers. The cited portion of col. 5, line 41 – col. 6, line 3 fails to even mention time quantum, server threads, or streaming data buffers. Accordingly, the office action fails to establish anticipation of these claims and the rejection should be withdrawn.

In view of the foregoing, favorable reconsideration is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Date

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FIG. 1

